

CIVB3-1672
Sheriff Duffy
6-29-13

U.S District Court

I am writing this because I would like to file a motion to state a Eighth Amendment civil rights violation.

I would like to state the facts: I am being denied mental Health Care. I am clinically diagnosed with multiple disabilities such as Chronic Anxiety, Panick Attacks, Severe depression, Attention Deficet Disorder and Narcolepsy "Uncontrollable Sleep attacks" also mood disorder. These can be life threatening illnesses especially if not treated properly. I have been prescribed psychotropic medication for in or around 15 years Total for my symptoms. I have been hospitalized do to emergency situations because of my disabilities.

I got here to serve a sentence back on September 24, 2012. I was prescribed my medication until the begining of April 2013. I was forced off my medication by Department of Corrections Mental Health Doctor "Doctor Davidson". I was informed by DR Davidson "I was to only be off my medication for Two weeks Tops!" This is exactly what Davidson Told me. This was Three months ago and I am still being denied my medication. I have medical records proving I need to be taking my medication. I have Hospital records proving I've had Psychiatric emergencies and Panick attacks so bad That I could not breath and I felt as if I was having a heart attack. I suffered Such an attack in Brown County Jail Aberdeen South Dakota were I had to be picked up by ambulance and brought to emergency room because I thought I was having

a heart attack. Since D.O.C Mental Health as: Intentionally denied access to medical care and interfered with the prescribing of my treatment. My disabilities have deteriorated and continue to get worse. I have frequent muscle strain around my heart. My depression has got so bad I keep thinking something bad is going to happen to me and I'm confident it will if I do not get help soon. What I also find hard to understand is that I go up for parole in September and my whole sentence ends in July 2014. So I do not understand why Mental Health would do such a inhumane thing? Every medicine I was prescribed also was low cost at generic price so my medication was adequate and basic care.

Prison authorities including Department of Corrections medical staff may not withhold from prisoners basic medical care.

I have tried every avenue to get this resolved. I have wrote to the courts and got denied. I have wrote to the Prisons Warden and Associate Warden, I have wrote to human services and the corrections administration along with exhausting my administrative remedies. I have gone as far as to write to the Goveners office in pierre. I truly am not feeling well and am suffering so to speak here. I truly am being denied a important Government Constitutional right here. I Honestly would not be trying to fight this so hard if this was a minor issue. As a U.S. citizen even incarcerated I to have a right to basic Health care which is Consistent to my community health care.

Here are a few facts I found on what is necessary

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and what isn't, These totally apply to what is transpiring with me: (1) Obligation of Government is to provide necessary health care even to whom is being punished by incarceration.

(2) Department of Corrections "Mental Health" is ~~still~~ Exhibiting a Deliberate Indifference to my medical needs.

(3) Deliberately withholding of (Needed Medication) from a inmate is Actionable under the Civil Rights Statues.

(4) A Constitutional Claim is Stated when prison staff intentionally denies access to ones medical care or interfere with prescribed treatment.

(5) My Conditions are life threatening and I have and continue to suffer because of my disorders. I'm scared for my life now I am going to have a severe enough panic attack and it will turn into a heart attack especially now I am being denied my medication.

(6) There Should be no Delay what so ever in obtaining Treatment. I DO state the Following to support my claim:

(1) I am Diagnosed with Acute Mental and physical conditions

(2) I DO have a urgent need for Medical Care

and these are Circumstances that will shock the Judicial Conscience if there is a failure or refusal to provide Treatment

I Shawn Duffy am asking the court to please take on my claim of "Deliberate Indifference" and please give me a chance to be heard? I would also like my right to seek Counsel although I am indigent. This is not right morally or legally to make a person suffer intentionally that's why I would like to challenge South Dakota State Penitentiary Mental Health Department. I really am praying that the court

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can find me relief by ~~by~~ appointing me counsel
and opening a case on my behalf. Thank you so much
for your time in reading this:

Sincerely

Shawn A Duffy

DOB: 3-29-77

SS# 009-48-3525

Signature: 